

## **REMARKS/ARGUMENTS**

Claims 1-3, 5-12, 14-17, and 19-30 are currently pending. Claims 4, 13, and 18 have been canceled herein. New claims 23-30 have been added herein, and these claims are supported by the specification. For example, support for claims 23-25, 27-28, and 30 can be found on pages 1-3 of the specification. Support for claim 26 can be found on page 4 of the specification and the examples. Support for claim 29 can be found on page 4 of the specification. Claims 1, 6, 10, and 15 have been amended herein. These amendments are supported by the specification and canceled claims 4, 13, and 18. The claims of the present application are further supported by the German priority document to the application, a translation of which accompanies the present response.

### **I. New IDS Disclosure**

Applicants note that a new Information Disclosure Statement accompanies the present response. Applicants respectfully request consideration of each document set forth therein and return of an initialed copy of PTO Form 1449.

### **II. Section 102 Rejections**

Claims 1, 2, 4-11, 13, and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,594,294 to Cowan, *et al.* In response, Applicants note that Cowan is directed to treatment of glyceride oils to prevent oxidative deterioration and to increase the storage life and utility of glyceride oils and such fatty substances as food materials (column 1, lines 5-12). While Cowan notes that glyceride oils may be ingredients in pharmaceutical or cosmetic compositions (column 1, lines 19-20), Cowan does not describe cosmetic or dermatological formulations. Claims 1, 2, and 4-9 of the present invention are for a method of increasing at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation, and claims 10-11, 13, and 14 are for a cosmetic or dermatological formulation. Applicants note that Cowan does not disclose or suggest the step of providing a cosmetic or dermatological formulation, as provided in the amended claims of the present application.

Furthermore, Cowan does not disclose or suggest providing iminodisuccinic acid in an amount sufficient to increase at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation, as provided in the amended claims of the present application. Cowan describes a maximum concentration of iminodisuccinic acid of 0.1 % by weight of glyceride oil (see column 2, lines 18-20; Table I), but does not disclose iminodisuccinic acid or a salt thereof in a cosmetic or dermatological formulation. Though Cowan neither discloses nor suggests it, even if hypothetically the maximum amount disclosed as present in a glyceride oil in Cowan were present within a glyceride oil, and that glyceride oil were present in a cosmetic formulation, the amount of iminodisuccinic acid would be diluted to less than 0.1% in any cosmetic or dermatological formulation. Applicants further note that as Cowan does not describe a cosmetic or dermatological formulation, it also does not suggest or describe cosmetic or dermatological formulations with more specific attributes, such as the additional ingredients as claimed in claim 26 or the specific forms of the formulation as claimed in claim 29. Therefore, Cowan does not anticipate the claims of the present invention. Applicants respectfully request withdrawal of this rejection.

Claims 10 and 12-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,495,718 to Schmidt, *et al.* In response to this rejection, Applicants note that Schmidt does not teach or suggest a cosmetic or dermatological formulation comprising iminodisuccinic acid or a salt thereof in an amount sufficient to increase at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation, as provided in the claims of the present application. Schmidt actually teaches that the cosmetic formulation with 0.1% iminodisuccinic acid sodium salt, as tested in Schmidt, has virtually no effect on color or light stability (column 6, lines 38-39, 49-51). Schmidt provides a table listing the  $^{\Delta}E$  measurement of the mean daily increase in color value for rutin and various other additives tested in a formulation as compared with a control sample. Negative  $^{\Delta}E$  values indicate reduced discoloration. As noted in the table, iminodisuccinate sodium salt (0.1%) had a  $^{\Delta}E$  of 0 as tested, indicating no reduction in discoloration and therefore no increase in the color or light stability of the tested cosmetic. Therefore, Schmidt does not anticipate the claims of the present invention.

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Furthermore, Schmidt teaches away from including iminodisuccinic acid or a salt thereof in a cosmetic or dermatological formulation to increase at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation, because it suggests that iminodisuccinic acid has no effect on color or light stability. Schmidt also teaches away from including iminodisuccinic acid or a salt thereof in a cosmetic or dermatological formulation that otherwise lacks at least one of the color-stability and the light-stability necessary for packaging in a translucent or transparent container, as provided in claim 24. Applicants respectfully request withdrawal of this rejection.

Claims 1-4 and 6-13 stand rejected under 35 U.S.C. §102(a) as being anticipated by WO 02/19981 to Fernandez-Kleinlein, *et al.* Although Applicants do not acquiesce in the rejection, in order to expedite prosecution, Applicant has enclosed a translation of the foreign priority document for the present application to overcome this reference. The foreign priority document was filed in Germany prior to the publication date of Fernandez-Kleinlein. Applicants submit that all pending claims are fully supported by the foreign priority document. Therefore, Applicants respectfully request withdrawal of this rejection because Fernandez-Kleinlein was not published prior to the invention by the Applicants.

Furthermore, even if Fernandez-Kleinlein were prior art under 35 U.S.C. § 102(a), Fernandez-Kleinlein fails to teach all of the aspects of the invention as presently claimed. Applicants note that Fernandez-Kleinlein does not teach or suggest increasing at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation by providing a cosmetic or dermatological formulation and adding iminodisuccinic acid or a salt thereof to the cosmetic or dermatological formulation in an amount sufficient to increase at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation. Fernandez-Kleinlein does not teach or suggest the further step of packaging the cosmetic or dermatological formulation in transparent or translucent packaging, as claimed in claim 6 of the present application. Fernandez-Kleinlen does not teach or suggest a cosmetic or dermatological formulation that is a face care product or sun care product, or a method of improving the stability

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of such, as claimed in claims 8-9 and 21-22 of the present application. Fernandez-Kleinlein does not teach or suggest a formulation that lacks at least one of the color-stability and the light-stability necessary for packaging in a translucent or transparent container in the absence of the claimed amount of iminodisuccinic acid or a salt thereof, as claimed in new claims 23-24. Fernandez-Kleinlein does not teach or suggest a transparent or translucent formulation, as claimed in new claim 25 of the application, or a formulation that exhibits an optical effect, as claimed in new claims 27-28 of the present application. Applicants submit that Fernandez-Kleinlein does not anticipate the claims of the present invention. Applicants respectfully request withdrawal of this rejection.

### **III. Section 103 Rejections**

Claims 6, 15, 16, and 18-22 stand rejected under 35 U.S.C. §103(a) as obvious in view of either the combination of Cowan and U.S. Patent No. 5,059,414 to Dallal, *et al.* or the combination of Cowan and U.S. Patent No. 6,461,623 to Koike, *et al.* In response, Applicants note that there is no motivation to combine Cowan, which is directed toward treatment of glyceride oils to prevent oxidative deterioration and to increase the storage life and utility of glyceride oils and fatty substances as food materials, with Dallal or Koike, which are directed to cosmetics. Nothing provided in the references would lead one skilled in the art to look to Dallal or Koike to modify glyceride oils. Applicants further note that even if combined, the references do not teach or suggest the claims as presently amended and discussed above. Applicants respectfully request withdrawal of this rejection.

Claims 3 and 12 stand rejected under 35 U.S.C. §103(a) as obvious in view of the combination of Cowan and U.S. Patent No. 6,107,518 to Groth, *et al.* Applicants note that a combination of the references does not teach or suggest the claims as presently amended and discussed above. Specifically, the references do not teach or suggest the step of providing a cosmetic or dermatological formulation as claimed in claim 3, or the amount sufficient to increase at least one of the color-stability and the light-stability of a cosmetic or dermatological

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formulation, as claimed in claims 3 and 12. As noted in Section II above, even if hypothetically the maximum amount disclosed as present in a glyceride oil in Cowan were present within a glyceride oil, and that glyceride oil were present in a cosmetic formulation, the concentration of iminodisuccinic acid or salt thereof would not be an amount sufficient to increase at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation. Applicants respectfully request withdrawal of this rejection.

Claim 17 stands rejected under 35 U.S.C. §103(a) as obvious in view of the combination of Cowan, Dallal, and Groth or the combination of Cowan, Koike, and Groth. In response, applicants note that the combination of Cowan and Groth does not suggest or disclose iminodisuccinic acid or a salt thereof present in an amount sufficient to increase at least one of the color-stability and the light-stability of a cosmetic or dermatological formulation, wherein said amount is at least 0.1% by weight, based on the total weight of the formulation. Furthermore, as noted above, there is not motivation to combine Cowan, directed toward treatment of glyceride oils, with Koike or Dallal, directed toward cosmetics. Applicants respectfully request withdrawal of this rejection.

Claims 5 and 14 stand rejected under 35 U.S.C. §103(a) as obvious in view of Fernandez-Kleinlein. Claims 6 and 15-22 stand rejected under 35 U.S.C. §103(a) as obvious in view of either the combination of Fernandez-Kleinlein and Dallal or the combination of Fernandez-Kleinlein and Koike. Although Applicants do not acquiesce in the rejection, Applicants note that a translation of the foreign priority document for the present application, as discussed above, is provided to overcome Fernandez-Kleinlein. Applicants respectfully request withdrawal of these rejections.

It is believed that all pending claims are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned at (404) 881-7764 should the Examiner have any comments or suggestions in order to expedite examination of this case.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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